

IN THE UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK

United States of America)	
Plaintiff)	
v)	# 17 - CR - 638
)	Judge Furman
Joel Margulies)	
Defendants)	

MOTION IN LIMINE - WORLD WIDE

Pursuant to the Fifth Amendment of the Constitution of the United States of America - the right to due process - and Fed. R. Evid. 403 and 403 - the exclusion of irrelevant or unfairly prejudicial evidence, the Defendant moves this Court to prohibit the Government from presenting to the jury that the Defendant has worked for the Key World Wide Foundation.

I) Factual Background

Counts one and two allege conspiracy and wire fraud regarding a business enterprise named All American Pet (AAP) between October 2013 to May of 2017 accusing the Defendant and co-defendants (Lisa Beshan and Barry Schwartz) of providing fictitious information and documents to investors to raise loans for the company in the amount of approximately \$500,000.

Count three alleges identity theft but currently does not specify any particulars of what identity was stolen or how. It appears that count three relates to the facts of counts one and two - the APC alleged scheme.

Count four five and six alleges securities fraud and wire fraud regarding an enterprise named Starship between the dates of Aug 2015 and August 2017 in which it is alleged that the Defendant and Bershan and Schwartz made false claims about their snack company being

acquired by Monster Drink Inc, and made false claims about guaranteeing investor funds.

Count seven alleges conspiracy to distribute cocaine for several transfers of use amounts of cocaine from Defendant Margulies to Defendant Bershan between October 2015 and August 2015. This count has been previously severed by the Court from the other seven counts.

Count eight alleges an unlawful gun transfer from Defendant Margulies to Defendant Bershan for sending to Bershan a fire arm from Tennessee to New York thru Fed Ex between October 2016 and November 2016.

II) Request to Prevent Evidence of Key World Wide Employment

The Defendant desires to present evidence that he was working full time outside of his work with the co-defendant's in this case. This evidence is relevant and important. Based upon statements by F.B.I. Agents during the Defendant's interrogation the Government's position seems to be that if the Defendant did not know that the misrepresentations about Monster in regard to Starship were false that he was reckless for not knowing and that he should have been verifying statements made to him by Bershan and Schwartz. The Defendant's other employment is relevant because it shows that he was busy and distracted with other things. Given his position in the Starship company and his responsibilities outside of Starship the Defendant did not have the duty nor the time to be monitoring Bershan and Schwartz.

The Defendant's work outside of his work for Bershan and Schwartz included work for the Key World Wide Foundation and Rick Singer. The Key World Wide Foundation and Mr. Singer have themselves fallen under federal indictment for fraud. There is no evidentiary value or necessity in regard to the Government's case in disclosing that the Defendant did work for World Wide and the Defendant has not been notified that he is being investigate in relation to that

matter and does not believe he will be implicated in any wrongdoing in that matter. There is simply no connection between that case and this case.

World Wide has received a great amount of national publicity due to several Hollywood actors and actresses who have been implicated. However, the Defendant is of course concerned that if the jury becomes aware that he did work for World Wide that the Jury will be prejudiced against him.

Conclusion

Based upon the forgoing it is respectfully requested that the Court prevent the Government from disclosing that the Defendant worked for the Key World Wide Foundation.

Respectfully Submitted:

S/ Brent Horst

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CERTIFICATION

I hereby certify that on the 29 May 2019 I electronically filed the foregoing with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the United States Attorney.

S/ Brent Horst

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